

REMARKS

This amendment responds to the Advisory action issued April 17, 2006, which affirmed the earlier rejection of all pending claims under §§ 102/103 in the Office action of November 23, 2005. The rejections of claims 8-17 were all based on a reference (Golds) with an effective date of May 20, 1999. The Advisory action of April 17, 2006 stated that “Applicant has provided a declaration under 1.131 stating that he had conception and reduction to practice along with descriptions and drawings dated earlier than May 20, 1999.” However, the Advisory action concluded, Applicant had not provided “any EVIDENCE to support the statements (paragraphs 1-7 of the declaration) that the stent was made and used.”


In response, Applicant submits herewith additional documentary evidence, in the form of photographs and descriptions of the stent create, that Applicant conceived and actually reduced to practice prior to May 20, 1999. Applicant submits with this amendment a declaration under 37 CFR §1.131 that includes all the previous testamentary and documentary evidence submitted in the present application. Applicant’s declaration further establishes how the new photographs and descriptions, all made before May 20, 1999, show his actual reduction to practice of the claimed invention. Thus Golds is not prior art under §102. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejections of claims 8-17.

Applicant has withdrawn claim 18 without prejudice.


If there are any questions or remaining issues, the Examiner is urged to contact the undersigned attorney by telephone.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on November 9, 2006.


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Respectfully submitted,
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